

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35366 of 2020

Arising Out of PS. Case No.-149 Year-2020 Thana- KHUSRUPUR District- Patna

Shiv Shankar Prasad S/O Late Nand Kishore Prasad R/O - Sabji Bazar,
Khushrupur, P.S.- Khushrupur, District- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Pandey, Adv.

For the Opposite Party/s : Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-06-2021 Heard both sides through video conferencing.

The petitioner apprehends his arrest in Khushrupur
P.S. Case No.149 of 2020 registered under Sections 304 and 34
of the Indian Penal Code.

The informant in sum and substance alleged that he
got his wife admitted in Shri Sai Seva Sadan for her delivery.
The petitioner asked him to pay Rs.35,000/-. The petitioner
informed that Cesarean is needed for delivery of the child but
after operation, the mother became serious and died. The
petitioner is not a qualified doctor and on account of negligence
of the petitioner, the wife of the informant died.

The learned counsel for the petitioner submits that
petitioner is a qualified B.A.M.S. doctor and he runs Shri Sai
Seva Sadan in Khushrupur. He used to treat patient in the



locality and this is the first instance that a patient died during the course of treatment and, therefore, a lenient view may be taken in granting anticipatory bail of the petitioner but on the face of it, it appears that petitioner has got no knowledge of Gynecology but he admitted the wife of the informant in his hospital for birth. The petitioner also operated the patient. Consequently, the patient became serious and died. It is a case of serious negligence on the part of the petitioner who has got no knowledge of Gynecology. He is as good as a quack and on account of lack of knowledge and negligence of the petitioner, the wife of the informant died.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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